

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE FOOTBALL ASSOCIATION
PREMIER LEAGUE LIMITED, et al.,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC and
GOOGLE, INC.,

Defendants.

Case No. 07 Civ. 3582 (LLS)

ECF CASE

Electronically Filed

**NOTICE OF MOTION TO STAY
THIS ACTION PENDING APPEAL
IN THE VIACOM ACTION**

PLEASE TAKE NOTICE that plaintiffs by their attorneys will move this Court before the Honorable Louis L. Stanton, U.S.D.J., at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, Courtroom 21C, at such time and place as the Court may direct, for an order staying this action pending the appeal in *Viacom International, Inc. v. YouTube, Inc.*, Case No.13-1720 (2d Cir.) ("*Viacom II*").

In support of the motion, the plaintiffs rely on (i) the accompanying Memorandum of Law in support, dated July 22, 2013, and attached exhibits; and (ii) any argument that may be heard on the motion and all prior pleadings and proceedings had herein.

PLEASE TAKE FURTHER NOTICE that defendants' opposition, if any, is due on or before August 8, 2013, and the plaintiffs' reply, if any, is due on or before August 15, 2013.

July 22, 2013

Respectfully submitted,

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ORIGINAL

MEMORANDUM ENDORSEMENT

Football Association Premier League Limited, et al. v. YouTube Inc., YouTube, LLC and Google, Inc., 07 Civ. 3582 (LLS)

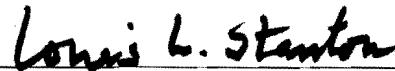
Plaintiffs' motion for a stay of proceedings in this case until decision by the Court of Appeals for the Second Circuit of the appeal from dismissal of the related Viacom case, is granted. Issues of the burden of specifying the infringement-location, "control," "willful blindness" and YouTube's proprietary content-identification methodologies, under the special provisions of the Digital Millennium Copyright Act, are important in each case and the pronouncements of the Court of Appeals in Viacom may have a profound affect on their treatment in this case.

Defendant points to the Court of Appeals' instruction that YouTube should be allowed to file its renewed motion for summary judgment "as soon as practicable." Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19, 42 (2d Cir. 2012). When it entered that direction, the Court of Appeals was dealing with a unitary litigation, and had no reason to anticipate its components later decoupling into two cases with separate procedures and schedules. The issues presented by the present stay application were not contemplated by the Court of Appeals, and it could not have intended to determine them by its ruling.

Defendants complain that the stay may last a year or more, particularly if a petition for certiorari is involved. But circumstances change and stays may be terminated or modified in unforeseen ways if warranted by a change in circumstances.

So ordered.

DATED: New York, New York
August 27, 2013



LOUIS L. STANTON
U. S. D. J.